

REMARKS

Claims 1-12, remain pending in the above-identified application. In view of the following remarks it is respectfully submitted that all pending claims are allowable.

The Rejection of Claims 1-12 under 35 U.S.C. §102(e) should be withdrawn

Claims 1-12 stand provisionally rejected under 35 U.S.C. §102(e) as allegedly being anticipated by co-pending Application Serial No. 10/180,570, which has a common inventor with the instant application.

The Applicants are herewith submitting a declaration under 37 C.F.R. §1.132 to overcome the provisional rejection under 35 U.S.C. §102(e) by showing that any invention that may have been disclosed but not claimed in the co-pending application was derived from the inventor of this application and is thus not the invention "by another."

Therefore, the Examiner is kindly requested to withdraw his rejection of Claims 1-12, under 35 U.S.C. §102(e).

CONCLUSION:

It is therefore respectfully submitted that Claims 1-12 are now all allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

The Examiner is also invited to contact the undersigned attorney if any communication is believed to be helpful in advancing the examination of the present application.

Respectfully submitted,

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